IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 6156 of 2006
Date of decision : 21.11.2006

Balwinder Singh

.....Petitioner.

Versus

Gurjit Kaur & Anr.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Padam Jain,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 30.10.2006 passed by the learned Addl. Civil Judge (Sr. Divn.), Kapurthala dismissing the objections filed by the petitioner against the execution of the decree of maintenance.

The objection taken before the learned executing Court was that the judgment debtor was not exclusive owner of the property sought to be attached and the second ground taken was that an application under Order 9 Rule 13 C.P.C. for setting aside ex parte decree was pending. The learned trial Court rightly rejected the said objection by holding that the share of the JD in the property can be attached and sold. Similarly the learned executing Court was right in coming to the conclusion that mere filing of application under Order 9 Rule 13 CPC would not be a ground to stay the execution proceedings in absence of the stay. The learned counsel for the petitioner reiterated the grounds taken in the objection petition.

There is no error or illegality in the order which may call for interference by this Court.

Dismissed.

21.11.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**